

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF OREGON**  
**MEDFORD DIVISION**

**TIMOTHY M. HATFIELD,**

Petitioner,

v.

**RICK ANGELOZZI, JOE DECAMP,  
STATE OF OREGON, ALL AGENTS,  
KLAMATH COUNTY CORRECTIONS,  
OREGON ATTORNEY GENERAL,  
KIKI PARKER-ROSE, ED CALAB, and  
MARK NOOTH,**

Respondents.

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Case No. 1:12-cv-00436-SU

**ORDER ADOPTING  
FINDINGS & RECOMMENDATIONS**

**SIMON, District Judge.**

On March 23, 2012, Magistrate Judge Patricia Sullivan filed Findings and Recommendations (Dkt. 11) in this case. Judge Sullivan recommended dismissing all respondents to this action with the exception of Rick Angelozzi, who is the petitioner's custodian. She also recommended denying petition's pending Motion to Grant Relief (Dkt. 4) as unnecessary and improperly based upon state law.

Petitioner timely filed objections (Dkt. 15), as well as an amended Motion to Grant Relief (Dkt. 16). Petitioner's objections relate to the merits of his Petition for Writ of Habeas Corpus (Dkt. #3). The court has not yet considered the merits of his Petition, however. Judge Sullivan has recommended denying petitioner's Motion to Grant Relief because it is redundant with his initial Petition for Writ of Habeas Corpus. The court will shortly issue a briefing schedule for the Petition (see Dkt. 11), which will provide petitioner with the opportunity to submit his arguments on the merits of his Petition.

Under the Federal Magistrates Act, the court may "accept, reject or modify, in whole or in part, the findings or recommendations made by the magistrate." Federal Magistrates Act, 28 U.S.C. § 636(b)(1). If a party files objections to a magistrate's findings and recommendations, "the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.*; Fed. R. Civ. P. 72(b)(3); *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009). *De novo* review means that the court "considers the matter anew, as if no decision had been rendered." *Dawson*, 561 F.3d at 933.

After *de novo* review, I ADOPT Judge Sullivan's Findings and Recommendations (Dkt. 11) for the reasons stated therein. Accordingly, the court dismisses all respondents to this action with the exception of Rick Angelozzi. The court also DENIES petitioner's Motion to Grant Relief (Dkt. #4). For the same reasons, the court DENIES petitioner's Amended Motion to Grant Relief.

Dated this 7<sup>th</sup> day of May, 2012.

  
Michael H. Simon  
United States District Judge